

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYSCO FOOD SERVICES OF METRO
NEW YORK, LLC

Plaintiff,

v.

JEKYLL & HYDE, INC.; DEACON BRODY
MANAGEMENT INC. d/b/a JEKYLL
&HYDE GREENWICH VILLAGE and DONALD
R. FINLEY; BAYVILLE
ENTERTAINMENT INC. d/b/a BAYVILLE
ADVENTURE PARK; SIXTH AVENUE FOOD
SERVICES LTD.; NEW CASTLE FOODS
INC.; DAVEY JONES LOCKER
MANAGEMENT, INC. d/b/a SHIP WRECK
TAVERN; and 186 WEST 4TH ST.
MANAGEMENT CO. INC.
d/b/a OLIVERS BAR & GRILL,

Defendants

08 CV 02958 (BSJ)

MOTION TO ADMIT
COUNSEL

PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District

Courts for the Southern and Eastern Districts of New York, I, MELISSA A. PENA,

a member in good standing of the bar of this Court, hereby move for an Order

allowing the admission *pro hac vice* of

Applicant's Name:	Steven Mitnick, Esq.
Firm Name:	Mitnick & Malzberg, P.C.
Address:	29 Race Street
City/State/Zip:	Frenchtown, NJ 08825
Phone Number:	(908) 996-3716
Fax Number:	(908) 996-7743

STEVEN MITNICK is a member in good standing of the Bar of the State of
New Jersey.

APR 08 2008
109897607-525
DK

FILED
U.S. DISTRICT COURT
2008 APR -8 AM 10:09
S.D.N.Y.

There are no pending disciplinary proceeding against STEVEN MITNICK in any State or Federal court.

Dated: April 4, 2008
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M A Pena', is written above a horizontal line.

Melissa A. Pena (MP-3320)
Norris, McLaughlin & Marcus P.A.
875 Third Avenue, 18th FL
New York, New York 10022
Telephone: (212) 808-0700
Fax No.: (212) 808-0844

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**SYSCO FOOD SERVICES OF METRO
NEW YORK, LLC**

Plaintiff,

V.

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MANAGEMENT, INC. d/b/a SHIP WRECK
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Defendants

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: AFFIDAVIT OF MELISSA A.
: PENA IN SUPPORT OF
: MOTION TO ADMIT COUNSEL
: *PRO HAC VICE*

STATE OF NEW YORK)
 ss:) COUNTY OF NEW YORK)

MELISSA A. PENA, being duly sworn, hereby deposes and says as follows:

1. I am an attorney associated with the law firm of Norris, McLaughlin & Marcus, P.A., counsel for Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Steven Mitnick, Esq. as counsel *pro hac vice* to represent Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in March of 2004. I am also admitted to the bar of

the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Steven Mitnick, Esq. for approximately one year.

4. Mr. Mitnick is a partner with the law of Mitnick & Malzberg, P.C. located in Frenchtown, New Jersey.


5. I have found Mr. Mitnick to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Steven Mitnick, Esq., *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Steven Mitnick, Esq., *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Steven Mitnick, Esq., *pro hac vice*, to represent Plaintiff in the above-captioned matter, be granted.

Respectfully submitted,


Melissa A. Pena (MP-3320)

Sworn to before me this
4th day of April, 2008


NOTARY PUBLIC

MIA D. FALLS
Notary Public, State of New York
No. 02FA5084245
Qualified in Kings County, 2009
Comm. Expires September 2, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MANAGEMENT CO. INC.
d/b/a OLIVERS BAR & GRILL,

Defendants

08 CV 02958 (BSJ)

ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

Upon the motion of Melissa A. Pena of the law firm of Norris, McLaughlin & Marcus, P.A., attorneys for Plaintiff, Sysco Food Services of Metro New York, LLC and said sponsor attorney's affidavit in support:

IT IS HEREBY ORDERED that

Applicant's Name:	Steven Mitnick, Esq.
Firm Name:	Mitnick & Malzberg, P.C.
Address:	29 Race Street
City/State/Zip:	Frenchtown, NJ 08825
Phone Number:	(908) 996-3716
Fax Number:	(908) 996-7743

is admitted to practice *pro hac vice* as counsel for Plaintiff, Sysco Food Services of Metro New York, LLC in the above-captioned case in the United States District

Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electric Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated:

New York, New York

UNITED STATES DISTRICT/MAGISTRATE JUDGE

Supreme Court of New Jersey

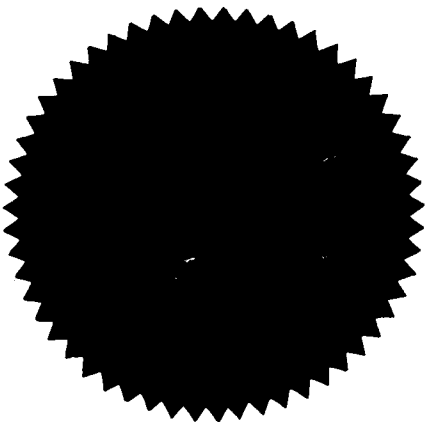


Certificate of Good Standing

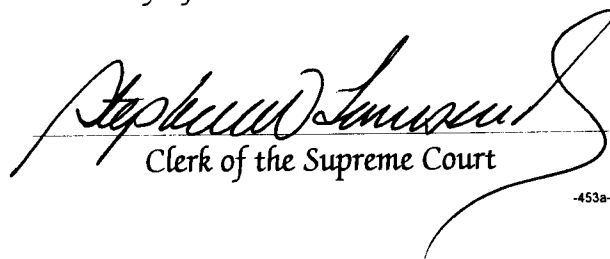
This is to certify that **STEVEN J MITNICK**
(No. **013111981**) was constituted and appointed an Attorney at Law of New
Jersey on **December 17, 1981** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
28TH day of March , 20 08


Clerk of the Supreme Court

UNITED STATES DISTRICT COURT
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d/b/a OLIVERS BAR & GRILL,

Defendants

08 CV 02958 (BSJ)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)SS.:
COUNTY OF NEW YORK)

THERESA MORALES, being duly sworn, deposes and says:

I am not a party to this action or proceeding. I am over 18 years of age and reside in Queens County, New York.

On April 4, 2008 I served a true and complete copy of the **MOTION TO ADMIT STEVEN MITNICK *PRO HAC VICE*, AFFIDAVIT OF MELISSA A PENA IN SUPPORT OF MOTION TO ADMIT COUNSEL *PRO HAC VICE* with PROPOSED FORM OF ORDER AND CERTIFICATE OF GOOD STANDING VIA FIRST CLASS MAIL** upon the following, by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, to the last known address of the addressees indicated below:

TO: Jekyll & Hyde, Inc.
1409 Avenue of the Americas
New York, NY 10019

Deacon Brody Management Inc. d/b/a Jekyll & Hyde Greenwich Village
1409 Avenue of the Americas
New York, NY 10019

Bayville Entertainment Inc. d/b/a Bayville Adventure Park
1409 Avenue of the Americas
New York, NY 10019

Sixth Avenue Food Services Ltd.
1409 Avenue of the Americas
New York, NY 10019

New Castle Foods, Inc.
1409 Avenue of the Americas
New York, NY 10019

Donald R. Finley
1409 Avenue of the Americas
New York, NY 10019

Davey Jones Locker Management Inc. d/b/a Ship Wreck Tavern
1409 Avenue of the Americas
New York, NY 10019

186 West 4th St. Management Co., Inc. d/b/a Olivers Bar & Grill
1409 Avenue of the Americas
New York, NY 10019


THERESA MORALES

Sworn to before me this
4TH day of April 2008


Notary Public

MIA D. FALLS
Notary Public, State of New York
No. 02FA5084245
Qualified in Kings County 2009
Commission Expires September 2, 2009